

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

WENDELL JOE BARKER, :  
  
Petitioner, :  
  
vs. : CIVIL ACTION 07-00741-CG-B  
  
STEVE ARTHUR, :  
  
Respondent. :

ORDER

Petitioner, an Alabama inmate proceeding pro se, filed the instant petition seeking habeas corpus relief under 28 U.S.C. § 2254. The Court issued an Order dated October 29, 2007 (Doc. 3) directing Petitioner to refile his habeas petition and a motion to proceed without prepayment of fees on the proper Court forms by November 26, 2007. Additionally, the Clerk was directed to send Petitioner the appropriate forms for a habeas petition and a motion to proceed without prepayment of fees. The Court's October 29, 2007 Order (Doc. 3) was sent to Petitioner at 200 Hand Avenue, Bay Minette, Alabama 36507, which is the last address that Petitioner provided; however, it was returned to the Court with the notations "Not Deliverable" and "Return to Sender." (Doc. 7).

Petitioner filed a notice of address change with the Court on October 29, 2007 (Doc. 4), along with the filing fee (Doc. 5). Accordingly, the Clerk is **DIRECTED** to send a copy of the Court's Order dated October 29, 2007 (Doc. 3), the appropriate form for a habeas petition under 28 U.S.C. § 2254, and the instant Order to

Petitioner at his new address. Petitioner is ORDERED to refile his habeas petition on the Court's form no later than **February 19, 2008**.

Petitioner is cautioned that the failure to comply with the Court's Order within the prescribed time will result in the dismissal of this action for failure to prosecute and to comply with the Court's Orders. Furthermore, Plaintiff's failure to advise the Court immediately of a change in address will result in dismissal of this action for failure to prosecute and to obey the Court's Orders.

**DONE** this 17th day of **January, 2008**.

/S/SONJA F. BIVINS  
UNITED STATES MAGISTRATE JUDGE